

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ANTHONY RAY DAILEY

§

VS.

§

CIVIL ACTION NO. 6:06cv33  
CRIMINAL ACTION NO. 6:04cr67-1

UNITED STATES OF AMERICA

§

ORDER ADOPTING REPORT AND RECOMMENDATION

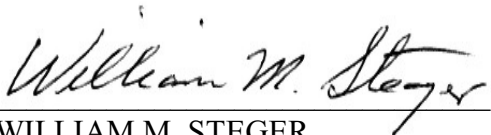
The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. The Report recommends dismissing this case because the underlying criminal case which Petitioner seeks to challenge through a 28 U.S.C. § 2255 motion is on direct appeal.

Petitioner filed objections to the Report. This Court made a *de novo* review of Petitioner's objections and determined that his objections lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

**ORDERS, ADJUDGES, and DECREES** that this motion to vacate/correct illegal sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED WITHOUT PREJUDICE**; and

**ORDERS** that all motions not previously ruled on are **DENIED**.

**SIGNED this 29th day of March, 2006.**

  
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WILLIAM M. STEGER  
UNITED STATES DISTRICT JUDGE